

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Kathleen B. Thomas

Debtor(s)

**Home Investment Fund V, LP, its successors and/or
assigns**

Movant

vs.

Kathleen B. Thomas

Respondent(s)

BK NO. 20-20040 TPA

Chapter 13

Related to Document No. 16

Hearing Date: 5/21/2020

**OBJECTION OF Home Investment Fund V, LP , ITS SUCCESSORS AND/OR ASSIGNS
TO CONFIRMATION OF CHAPTER 13 PLAN**

Home Investment Fund V, LP, objects to confirmation of Debtor's Chapter 13 Plan and asserts in support of its Objection as follows:

1. Movant's claim is secured by a mortgage on Debtor's property at 411 Oakwood Street New Kensington, PA 15068.
2. On March 12, 2020, Movant filed a secured proof of claim setting forth pre-petition arrears in the amount of \$106,772.11.
3. Debtor's Plan provides for payment in the amount of \$0.00 towards the arrearage claim of the Movant.
4. The Movant has filed a claim in the matter and the Debtor's plan improperly designates as the Movant rather than the correct Movant.
5. Debtor's Plan provides that Movant's arrears are to be paid through a loan modification.
6. Debtors' Plan does not provide a deadline by which a loan modification must be obtained and does not provide for payment of the arrears or surrender of the Property in the event that loan modification is unsuccessful. The Plan is therefore speculative.
7. Debtor's Plan understates the amount of the Movant's claim by \$106,772.11, and does not provide sufficient funding to pay said claim.
8. Accordingly, Debtor's Plan is not feasible, as it does not fully compensate the Movant.

9. In addition, the Debtor's Plan fails to comply with 11 U.S.C. §§ 1322 and 1325.

WHEREFORE, the Movant, Home Investment Fund V, LP, prays that the Court deny confirmation of the Debtor's Plan.

Respectfully submitted,

Date: May 1, 2020

/s/ James C. Warmbrodt, Esquire

James C. Warmbrodt, Esquire

jwarmbrodt@kmlawgroup.com

Attorney I.D. No. 42524

KML Law Group, P.C.

701 Market Street, Suite 5000

Philadelphia, PA 19106

Phone: 412-430-3594

Attorney for Movant/Applicant